

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RECEIVED
MAY 12 PM 1:51
U.S. DISTRICT COURT
WESTERN DIVISION
MEMPHIS, TENN.

je

Johnny Moffitt #129392

H.C.C.F. PoBox 549

Whiteville, Tennessee 38075

(Enter above the full name of the plaintiff
of plaintiffs in this action.)

pro-se

Jury Trial Demanded

vs.

Corrections Corporation of America

2520 Union Springs Road

Whiteville, Tennessee 38075

(Enter above the full name of the defendant
or defendants in this action.)

et al.

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983

1. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts?
involved in this action or otherwise relating to your imprisonment? Yes () No ☒
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than
one lawsuit, describe the additional lawsuits on another piece of paper, using the same
outline.)

1. Parties to this previous lawsuit

Plaintiffs: _____

Defendants: _____

2. Court (if federal Court, name the district; if state court, name the county): _____

3. Docket Number: _____

4. Name of judge to whom case was assigned: _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: _____

A. Is there a prisoner grievance procedure in the institution?

Yes ☒ No. ()

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☒ No. ()

C. If your answer is yes:

1. What steps did you take? Filed Grievances against
medical staff, sent letters to each warden

2. What was the result? Either Denied or failed
to result in any action

D. If your answer is No, explain why not. _____

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

Name of plaintiff Johnny Moffitt #129392

Address H.C.C.F., Po Box 549, Whiteville W. 38075

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C for the names, position, and places of employment of any additional defendants.)

B. Defendant Corrections Corporation of America
at 2520 Union Springs Rd., Whiteville W 38075

C. Additional Defendants: (See attached sheet)

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary.)

(See Attached Sheets)

(Attach extra sheet if necessary)

V. Relief

(See attached Sheets)

(Attach extra sheet if necessary)

I (We) hereby certify under the penalty of perjury that the above petition is true to the best of our information, knowledge, and belief.

Signed this the 5th day of May, 20 15

Johnny Moffitt #129392

H.C.C.F. PO Box 549

Whiteville, TN 38075

(Signature of Plaintiff /Plaintiffs)

Additional Defendants

1. Warden Michael Donahue
Hardeman County Correctional Facility
Whiteville, Tennessee
2. Assistant Warden Mitchell Bradshaw
Hardeman County Correctional Facility
Whiteville, Tennessee
3. Doctor Richardson
Hardeman County Correctional Facility
Whiteville, Tennessee
4. Nurse Practitioner Herron
Hardeman County Correctional Facility
Whiteville, Tennessee
5. Mrs. Cox
Clinic Administrator
Hardeman County Correctional Facility
Whiteville, Tennessee
6. Mrs. Kizzie Woods
Job Coordinator
F + G units
Hardeman County Correctional Facility
Whiteville, Tennessee

Additional Defendants

7. Henderson County, Tennessee
170 Justice Center Dr.
Lexington, Tennessee 38351
8. Mr. Dan Hughes
Mayor
Henderson County, Tennessee
170 Justice Center Dr.
Lexington, Tennessee 38351
9. Mr. Brian Duke
Sheriff
Henderson County Tennessee
170 Justice Center Dr.
Lexington, Tennessee 38351
10. 14 Unknown Henderson County
Commissioners
Lexington, Tennessee
11. Henderson County Jail
170 Justice Center Dr.
Lexington, Tennessee 38351
12. Mrs. Kathy Dorris
Nurse Practitioner
Henderson County Tennessee Jail

History

On July 31, 2014 this Plaintiff was found guilty of Reckless Aggravated Assault, and Sentenced to the maximum sentence of 4 years at 30% in the Tennessee Department of Corrections. Upon Booking into the Henderson County Jail at Lexington Tennessee, this Plaintiff informed the booking officer that my doctor had told me he thought I had a blood clot in my right leg. I was incarcerated in the Henderson County Jail, at that time the leg with the blood clot became steadily became worse. I was took to the medical Nurse Practitioner there at the jail, Mrs. Kathy Dorris, and she only looked at the leg, even after I told her my doctor had Ordered a Ultrasound on the leg. She did Not give me any medication, or have the Ultrasound done until September 18, 2014, at the Henderson County Community Hospital. There was a blood clot found in the knee on my right leg. I stayed in the hospital for 6 days, was attended to by Doctor Thomas McDonald, was told by Dr. McDonald not to do anything but rest when he released me on September 23, 2014. I was

taken back to the Henderson County Jail at that time, was put in a "Holding Cell" until 3:30 AM on September 24, 2014. I was then put in a patrol car, taken west to Henning, Tennessee to a State Prison, put on a transport bus and taken to Bledsoe County Correctional Complex at Pikeville Tennessee, which took about 14 hours, riding with handcuffs, belly-chain, leg cuffs, and a "Black Box". Was then housed at Bledsoe County till October 24, 2014, put on a transport bus again, and taken west to Hardeman County Correctional Facility at Whiteville, Tennessee, another 14 hour trip, with leg cuffs, handcuffs, belly chain and black box. This action of the Henderson County Jail and Sheriff Brian Duke put this Plaintiff at a very high risk of the blood clot moving into my heart, brain, or lungs and would most likely caused death for this Plaintiff.

There was no emergency or urgent need for the Henderson County Jail to transport this Plaintiff to the Tennessee Department of Corrections, as this Plaintiff was in a very serious medical condition, and needed rest and medications. This action

by the Henderson County Sheriff Department put this Plaintiff in grave danger of sudden death. This was very cruel treatment from the jail officials, and Sheriff Brian Duke, with no regard for this Plaintiff's health or life.

Defendant Dan Hughes, the County Mayor of Henderson County, Tennessee has failed to demand that prisoners receive better Medical Care, and better living conditions for prisoners who are sick and disable.

The 14 unknown Defendants, Henderson County Commissioners, have completely failed to Demand better treatment for prisoners such as this Plaintiff. They have furnished taxpayer money to fund the Henderson County Jail, and pay Sheriff Duke his salary, without demanding strict application of the laws, pertaining to sick inmates and their care while in the Henderson County Jail. There is no protocol followed what so-ever. All these acts are very cruel and unusual treatment towards and inmate such as this Plaintiff. I received many bruises on my wrists from all this transportation, as well completely exhausted when received at Bledsoe County Correctional Complex.

Upon my arrival at Hardeman County Correctional Facility, I was seen by the doctor, Doctor Richardson, nearly one month from arrival here. He viewed my leg with the blood clot, ordered blood thinner, called Cumindin. I have been here at Hardeman County since October 24, 2014. I am still on Cumindin blood thinner, have not received the regular blood test as needed, have had my medicine cut off for no reason. "Nurse stated I would have to see the Doctor to get my medicine." I tried to explain that I am to take the medicine "Cumindin" every day, this has happened on a regular basis. I have requested to be transferred to Special Needs Facility in Nashville, Tennessee, was refused that, stating I was not in bad enough shape to be sent to Special Needs, but was told by Dr. Richardson that if I received a cut or puncture wound to my foot or leg that I would most likely lose it. I have requested a pair of Orthopedic shoes, to help my leg and foot, because of the weight of the State Boots but have not received any yet, it has now been

been months since I turned in a request. I have received so much blood thinner now that my blood will not clot. I was told at Bledsoe County that I had a black spot in my throat. I was sent to a Specialist in Jackson, Tennessee. He ordered a perscription or two for me, upon arriving back here the perscriptions were cancelled by the doctor here at Hardeman County Correctional Facility without even seeing me in Medical.

On February 2, 2015 I was transported to Jackson General Emergency Unit, was treated by a doctor there. I had pain around my heart and chest area. Was brought back in about 7 hours from Jackson General Emergency and placed in the prison infirmary for either 8 or 9 days, nearly dead. Was released after that time and placed in Unit GB 102, where I still remain. I was transported to Jackson General Emergency by a prison van, was not taken in an Ambulance, as I should have been taken in an Ambulance with life sustaining equipment on board. This put my life in danger, had the blood clots moved. I have at that time 2 blood clots in my right leg, after an Ultrasound was performed here at Hardeman

County Correctional Facility on February 2, 2015. Around the last of January or first of February 2015, my blood pressure fell to 116/41 that I know of, may have fell below that. There has been a complete disregard for my health and wellbeing here at Hardeman County Correctional by the medical staff in whole. They disrespect me when I try to explain something to them, have no time to listen, or attend my medical problems.

This Plaintiff is in imminent danger of death, every day, when medical staff refuse to attend, supply medications, and check blood on a regular basis to see that Plaintiff's blood is where it should be at. This constitutes deliberate indifference to plaintiff's medical needs, Cruel and Unusual treatment which this Plaintiff does not deserve, this 4 year sentence should not turn into a Death Penalty Sentence.

This Plaintiff requested a Medical Incinitor Job when I was received here at Hardeman County Correctional Facility. Was placed in a School job, where I had to walk and sit for 6 hours a day. I tried to explain to Mrs Kizzie Woods, Job Corrdinator, that I could not hold out to walk and sit in class for that long, that the blood clot was hurting me, and that the walking and sitting for that long was hurting me also. She told me that I would either go to school or receive a write-up for not going. This was a form of intimidation and harrasment, without and regard to my Medical condition and health. I continued School till I had to be taken to Jackson General Emergency unit, and was dropped from School later by the doctor and Nurse Practitioner.

Conclusion

This Plaintiff is now 66 years old, with many chronic medical problems, has been drawing 100% Disability Social Security since 1987 for a mental illness, and should not be treated this way by anyone. I would fall under the guidelines and laws for a plaintiff according to the Americans with Disabilities Act, and respectfully request some action from the Federal Courts on this matter. This Plaintiff would respectfully request that the Court appoint a qualified attorney to represent this Plaintiff in Court, in the event this lawsuit becomes active. Because of the mental illness this Plaintiff does not feel he can properly represent himself.

Relief Sought

1. 5 million dollars in Punitive damages from Defendants Corrections Corporation of America, Henderson County Tennessee, Henderson County Jail.
2. 5 million dollars in Compensatory damages from Defendants Corrections Corporation of America, Henderson County Tennessee, Henderson County Jail.
3. 1 million dollars in Punitive Damages from each Defendant personally, Warden Michael Donahue, Assistant Warden Mitchell Bradshaw, Dr. Richardson, Nurse Practitioner Herron, Hospital Administrator Cox, Mrs. Kizzie Woods, Henderson County Sheriff Brian Duke, Henderson County Mayor Dan Hughes, Nurse Practitioner Kathy Dorris, 14 unknown Henderson County Commissioners, and Officially.
4. 1 million dollars in Compensatory damages from Defendants, Warden Michael Donahue, Assistant Warden Mitchell Bradshaw, Dr. Richardson, Nurse Practitioner Herron, Hospital Administrator Cox, Mrs Kizzie Woods, Henderson County Sheriff Brian Duke, Henderson County Mayor Dan Hughes, Nurse Practitioner Kathy Dorris, 14 unknown Henderson County Commissioners, personally & Officially.
5. That the Defendants pay all cost, filing fees, Attorneys fees, retained or appointed, all expert witness's cost and fees, all Investigator fees and expenses
6. All further medical bills pertaining to any medical problems from the leg blood clots, or expenses.